

**From:** [Nelson, James](#)  
**To:** [A SINCLAIR](#); [Dietert, Zachary A.](#); [Blume, Michael \(USANYE\)](#)  
**Subject:** RE: [EXTERNAL] Supplement response Admission and request  
**Date:** Monday, November 27, 2023 3:10:00 PM

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Mr. Sinclair,

Thank you for updating your responses to the United States' document requests and requests for admission. We note that you appear to have cured the deficiencies in requests for admission 3-9, 16-17, 30, 35-36, 44, 54, 60, 62, 64, 71-72, 76-78, 80, 92 and 95. However, numerous significant deficiencies that were identified in the United States' November 22, 2023 letter remain. In addition, fundamental deficiencies remain in your responses to the United States document requests, as illustrated by the fact that you have still not produced a single document in response to the United States' document requests. In addition to the previously-noted deficiencies, the United States notes that it is improper for you to withhold as "confidential" all documents relating to communications with customers and potential customers of B4B Earth Tea, sales information, shipment information, and information relating to receipt of ingredients, which you have done in your updated responses to document requests 1, 3, 7, 8 and 10. You have failed to identify any valid privilege or protection that would permit you to withhold such documents.

We intend to raise these deficiencies and those in our November 22, 2023 letter during our upcoming status conference with the Court.

Jim Nelson  
Senior Trial Counsel  
U.S. Department of Justice  
Consumer Protection Branch

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**From:** A SINCLAIR <asinclairhg@gmail.com>  
**Sent:** Monday, November 27, 2023 12:20 PM  
**To:** Nelson, James <James.Nelson2@usdoj.gov>; Dietert, Zachary A. <Zachary.A.Dietert@usdoj.gov>; Blume, Michael (USANYE) <MBlume@usa.doj.gov>  
**Subject:** [EXTERNAL] Supplement response Admission and request

Mr Nelson,

Attached is your updated discovery information. It was sent to the other 2 emails you provided. Hope to hear from you tomorrow Mr Nelson, you have been missing the past conferences, Hope to get your response to the points I will bring forward..

Respectful Defendant

Andrew Sinclair..  
November 27, 2023

On Wed, Nov 22, 2023, 4:38 PM A SINCLAIR <[asinclairhg@gmail.com](mailto:asinclairhg@gmail.com)> wrote:

Mr Nelson,

I will respond with revised specifics as requested. My objection is firm and will be filed with my motion to compel. I need to see proof why you're accusing me. Your accusations must have one of 2 or both. Or did you just pull your accusations out of the air

1. Consumer who reported fraud, scam or deception
2. Research, trial or study that was done to prove False or misleading accusations.

The natural supplement law clearly states, the burden of proof is on the United States. Before any information is given I would like to know why did you file the lawsuit against me? Who reported me? How did you come to the conclusion that I am a fraud?

As stated before, I will object to any additional time to try and find evidence, it's been almost 2 years since this case started and you should have evidence ready to go. At least evidence that backs up your accusations at least (One accusation)

The Plaintiff is ignoring the Natural supplement law. In the USA there's a natural supplement law and my product is a Natural supplement where the burden of proof is on the Plaintiff to show why you brought this case against me.

I know you are trying to say my product is a drug but there's no where in the natural Supplement Law does it say. " if a product cures, treat or prevent it's a drug"

I will supplement the responses with specific explanations but a firm response to your request is I need to see your evidence of how you came to the conclusion False and Misleading.

Andrew Sinclair

On Wed, Nov 22, 2023, 3:07 PM Nelson, James <[James.Nelson2@usdoj.gov](mailto:James.Nelson2@usdoj.gov)> wrote:

Mr. Sinclair,

Please find the attached letter concerning deficiencies in defendants' responses to the United States' discovery requests.

As an accommodation, we have also provided copies of the legal authorities cited in the letter.

Sincerely,

Jim Nelson  
Senior Trial Attorney  
U.S. Department of Justice  
Consumer Protection Branch